

the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 18, 1934, the Walker-Smith Co., a Texas corporation, claimant, having admitted that the product was misbranded, and having executed a bond in the sum of \$500, conditioned that the labels be corrected to meet the requirements of the Federal Food and Drugs Act, the court ordered that the goods be released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22447. Misbranding of salad oil. U. S. v. 68 Cans and 64 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. no. 32528. Sample nos. 67449-A, 67450-A.)

This case involved a product which consisted largely of domestic cottonseed oil, but which was labeled to convey the impression that it was imported olive oil.

On April 13, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about November 18, 1933, by the Import Oil Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Samaritana Brand [or "Cardinale Brand"] Oil Tipo Lucca * * * Packed by Import Oil Corp."

It was alleged in the libel that a portion of the article was misbranded in that the statements, "Samaritana Brand Oil", "Tipo Lucca", "Import Oil Corp.", together with the design of olive trees and figure of woman bearing a jar suggesting a jar of olive oil, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted largely of domestic cottonseed oil. Misbranding of the remainder of the article was alleged for the reason that the statements, "Cardinale Brand Oil", "Tipo", "Import Oil Corp." together with designs of olive branches, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the inconspicuous statement on the label, "High Grade Vegetable Oil with Flavor." Misbranding of the product in both lots was alleged for the further reason that it purported to be a foreign product when not so.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

22448. Adulteration and misbranding of oil. U. S. v. 26 Cans of Alleged Olive Oil. Default decree of condemnation. Product distributed to charitable organizations. (F. & D. no. 32558. Sample no. 67348-A.)

This case involved a product labeled to convey the impression that it was imported olive oil. Examination showed that the article consisted largely of domestic cottonseed oil, and that the cans contained less than the labeled volume.

On April 18, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cans of alleged olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce, on about October 2, 1933, by F. Bentwegna from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Italian Produce Sublime Olive Oil Imported by Acomo Fo Lucca."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Produce Sublime Olive Oil Lucca Imported The Olive Oil contained in this can is pressed from fresh picked high grown fruit Net Contents One Gallon", were false and misleading and tended to deceive and mislead the purchaser since it consisted largely of domestic cottonseed oil and was

short of the declared volume. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; for the further reason that it purported to be a foreign product, when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

22449. Misbranding of canned pears. U. S. v. 110 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32583. Sample no. 66602-A.)

Sample cans of pears taken from the shipment involved in this case were found to contain less than the labeled weight.

On April 26, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 cases of canned pears at Denver, Colo., consigned by the National Fruit Canning Co., alleging that the article had been shipped in interstate commerce, on or before February 12, 1934, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Extra Quality Brimfull Brand Bartlett Pears. Contents 1 lb. 14 Oz. H. A. Marr Grocery Co., Distributors, Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 lb. 14 oz.", was false and misleading and tended to deceive and mislead the purchaser.

On April 26, 1934, the National Fruit Canning Co., Seattle, Wash., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22450. Adulteration of butter. U. S. v. 17 Cartons and 3 Cartons of Butter. Default decree of forfeiture and destruction. (F. & D. no. 32617. Sample nos. 68636-A, 68637-A.)

This case involved interstate shipments of butter that contained filth.

On February 26, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of butter at National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce by Swift & Co., in part from Springfield, Mo., January 9, 1934, and in part from Sedalia, Mo., January 17, 1934, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was a filthy product unfit for consumption as food.

On March 30, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22451. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32618. Sample no. 67377-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On March 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tubs of butter at New York, alleging that the article had been shipped in interstate commerce, on or about March 8, 1934, by the Nebraska Cooperative Creamery Co., Omaha, Nebr., in a pool car shipment, this lot having been shipped by the Newman Grove Cooperative Creamery, Newman Grove, Nebr., and charging adulteration in violation of the Food and Drugs Act.